IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE.

WRIT PETITION NO.561 OF 1997.

Kamgar Utkarsha Sabha. .. Petitioner.
V/s.
M/s Pernmanent Magnets Ltd. & ors... Respondent.

None for the petitioner.

Shri Shailesh More i/b S.M. Naik for the respondent No.1.

Shri N.M. Ganguli for respondent No.2.

CORAM : V.C.DAGA, J.

DATED : 24.4.2006.

P.C. :

. The present petitiion arises from the complaint filed in the Industrial Court bearing Complaint (ULP) No. 47/1996. It is brought to my notice that the main complaint itself has been disposed of by order dated 4.6.1999. The photostat copy of the order is placed on record. In this view of the matter, present petition has become infructuous. The cause of action for the present petition does not survive. Photostat copy of the order is taken on record. Petition is liable to be dismissed for want of cause of action. In the result, Rule is discharged with no order as to costs.

2. It appears that by an order dated 3.3.1997, the respondent No.1-Company was directed to deduct 5% of the ex-gratia payment from the payment to be

made to the workers. The respondent No.1-Company was also directed to deposit the said amount of 5% ex-gratia payment in the Industrial Court, Mumbai within 4 weeks from the date of the order i.e.3.3.1997, with a direction to the Industrial Court to invest the said amount with any nationalised bank for a period as it deems fit. In terms of the said order, the petitioner must have deposited the said amount.

3. While disposing of the complaint it was expected on the part of the Industrial Court to pass appropriate order as to whom the said amount should be returned. At the same time, it was also open for the complainant-Union to seek appropriate directions in this behalf. However, neither the Industrial Court has passed any order nor the complainant-Union has obtained any appropriate order in this behalf.

4. In the above view of the matter, the Industrial Court is directed to issue notice to respective workers and communicate this order. As and when workers would approach, the Industrial Court should refund this amount to the workers from whose salary deductions were made by the employer. The amount should be paid to the workers only by "Pay's A/c" cheque drawn in their favour.

(V.C.DAGA,J.)